

[8th August, 2000]

RAJYA SABHA

(a) and (b) The High-Level Committee on Competition Policy and Law headed by Shri SVS Raghavan has recommended that Government should formulate a Competition Policy for the general guidance of all concerned and should also enact a Competition Law for enforcing it.

The Committee submitted its Report to the Government in May, 2000. The Government has circulated the Report widely among the general public, State Government/Union Territories and Central Ministries/Departments seeking their views and suggestions.

The Government is yet to take a final view. It would do so after studying carefully the general thrust of the views and suggestions received.

Additional Power to CEC

† 1804. DR. D. MASTHAN: Will the Minister of LAW, JUSTICE AND COMPANY AFFAIRS be pleased to state:

(a) whether it is a fact that some additional power had been sought by the Chief Election Commissioner to have disciplinary control over the staff engaged in election work and to implement the model code of conduct;

(b) if so, the salient features of the request made by Chief Election Commissioner;

(c) whether Government have not accepted the request; and

(d) if so, the reasons therefor?

THE MINISTER OF STATE OF THE MINISTRY OF INFORMATION AND BROADCASTING AND THE MINISTER OF STATE OF THE MINISTRY OF LAW, JUSTICE AND COMPANY AFFAIRS (SHRI ARUN JAITLEY): (a) and (b) The Election Commission of India has sought disciplinary powers in respect of the staff deputed for election work in accordance with the provisions contained in Section 13CC of the Representation of the People Act, 1950 and Section 28A of the Representation of the People Act, 1951 read with Article 324 of the Constitution so that Election Commission may have the necessary legal and administrative powers to take action against officials connected with revision of electoral rolls and conduct of elections. The Election Commission also desired that the Model Code of Conduct should be applicable from the date of announcement of the elections as held in Harbans Singh Jalal's case by the Punjab and Haryana High Court.

† Original notice of the question was received in Hindi.

(c) and (d) As regards disciplinary jurisdiction over the staff deputed for election duty, recently the Government of India and the Election Commission of India have agreed to settle the matter and have made a joint application to the Supreme Court indicating terms of settlement by which certain powers are proposed to be given to the Election Commission. So far as implementation of Model Code of Conduct, the matter is under discussion with the Election Commission.

Conflict between EC and Government

† 1805. SHRI RAMA SHANKER KAUSHIK: PROF. RAM GOPAL YADAV: Will the Minister of LAW, JUSTICE AND COMPANY AFFAIRS be pleased to state:

(a) whether there is a conflict between Election Commission and Government regarding control on election personnel; and

(b) if so, the stand and decision of Government on the matter?

THE MINISTER OF STATE OF THE MINISTRY OF INFORMATION AND BROADCASTING AND THE MINISTER OF STATE OF THE MINISTRY OF LAW, JUSTICE AND COMPANY AFFAIRS (SHRI ARUN JAITLEY): (a) and (b) There is no conflict between the present Government and the Election Commission of India as such. In 1993, the Election Commission of India had filed the Civil Writ Petition No. 606/93 against the Union of India and others, seeking a verdict on the plea that the disciplinary powers in respect of the staff deputed for election work rest with the election Commission in accordance with the provisions contained in Section 13CC of the Representation of the People Act, 1950 and section 28A of the Representation of the People Act, 1951 read with article 324 of the Constitution so that the Election Commission may have the necessary legal and administrative powers to take action against officials connected with revision of electoral rolls and conduct of elections. [The stand of the Government was that disciplinary powers in respect of the staff deputed for election work couldn't be given to the Election Commission of India.] Recently, the Government of India and the Election Commission of India have agreed to amicably settle the matter and have made a joint application to the Supreme Court indicating terms of settlement by which certain powers are proposed to be given to the Election Commission in this matter.

Adequate representation to SC/ST

1806. SHRI R. N. ARYA: Will the Minister of LAW, JUSTICE AND COMPANY AFFAIRS be pleased to state:

†Original notice of the question was received in Hindi.